

**BEFORE THE ARIZONA BOARD OF  
OSTEOPATHIC EXAMINERS IN MEDICINE AND SURGERY**

IN THE MATTER OF:

S. FOSTER EASLEY, D.O.  
Holder of License No. 3212 for the  
practice of osteopathic medicine in the  
State of Arizona.

**STIPULATION AND CONSENT  
ORDER OF PROBATION OF LICENSE**

**STIPULATION**

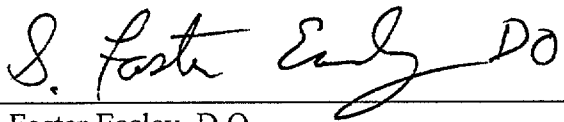
By mutual agreement and understanding, the Arizona Board of Osteopathic Examiners (hereafter "Board") and S. Foster Easley, D.O. (hereinafter "Respondent"), the parties hereto agree to the following disposition to this matter.

1. Respondent acknowledges that he has read this Stipulation and the attached Consent Order; and, Respondent is aware of and understands the content of these documents.
2. Respondent understands that by entering into this Stipulation, he voluntarily relinquishes any rights to a hearing on the matters alleged as grounds for Board action or to seek judicial review of the consent order in state or federal court.
3. Respondent understands that this Stipulation and Consent Order will not become effective unless approved by the Board and signed by its Executive Director.
4. Respondent further understands that this Stipulation and Consent Order, once approved and signed, shall constitute a public records which will be disseminated as a formal action of the Board as required by A.R.S. §§ 32-1855 (L) and (K).
5. Respondent admits to the statement of facts and conclusions of law contained in the Stipulated Consent Order.

6. All admissions made by Respondent are solely for final disposition of this matter and any subsequent administrative proceedings or litigation involving the Board, Respondent and the State of Arizona; and, therefore, said admissions by Respondent are not intended for any other purpose or administrative regulatory proceeding or litigation in another state or federal court.

7. Respondent acknowledges and agrees that upon signing and returning this document (or a copy thereof) to the Board's Executive Director, he may not later revoke or amend this Stipulation or any part of the Consent Order, although said Stipulation has not yet been accepted by the Board and issued by its Executive Director, without first obtaining Board approval.

REVIEWED AND ACCEPTED this 3<sup>rd</sup> day of March, 2001.

  
\_\_\_\_\_  
S. Foster Easley, D.O.

STATE OF ARIZONA       )  
                                  ) ss  
County of Maricopa     )

This instrument was acknowledged before me this \_\_\_\_\_ day of March, 2001 by the above-named individual.

\_\_\_\_\_  
Notary Public

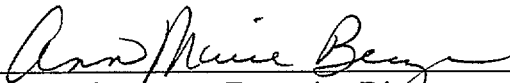
My Commission expires:

\_\_\_\_\_

**REVIEWED AND APPROVED** as to form by counsel for Respondent on this \_\_\_\_ day of  
March, 2001.

\_\_\_\_\_  
Counsel for Respondent

**REVIEWED AND SIGNED** this 31<sup>st</sup> day of March, 2001 for the Board by:

  
\_\_\_\_\_  
Ann Marie Berger, Executive Director  
Arizona Board of Osteopathic Examiners in Medicine  
and Surgery

**BEFORE THE ARIZONA BOARD OF  
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S. FOSTER EASLEY, D.O. )  
Holder of License No. 3212 for the )  
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in the State of Arizona. )  
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**FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND CONSENT ORDER FOR  
TERMS AND CONDICTIONS  
OF PROBATION OF LICENSE**

**FINDINGS OF FACT**

1. S. Foster Easley, D.O., (hereafter "Respondent"), is a licensee of the Board and the holder of License No. 3212.

2. On or about January 28, 1999 the Board received a 1999 Biennial Renewal Application for Osteopathic Physicians completed and signed by Respondent. Respondent answered "yes" to question number two which stated: "Since your initial application or last renewal, have you had any problems with substance abuse or been enrolled or committed to a substance abuse program?" Respondent provided a written response stating that he was arrested and charged with possession of marijuana and property damage and he entered a diversion program.

3. Respondent answered "no" to question number one which states: "Have you since your initial application or last renewal been arrested, pled guilty to or no contest to or been convicted of a felony or a misdemeanor involving moral turpitude?"

4. On or about September 15, 1997, Respondent was arrested for possession of narcotics.

5. On April 21, 1998 Respondent was charged by the by the Maricopa County Attorney for knowingly possessing or using Cocaine, a narcotic drug, in violation of A.R.S. §§ 13-3401, 13-3408,

13-3418, 13-701, 13-702, and 13-801; knowingly possessing or using marijuana having weight of less than two pounds in violation of A.R.S. §§ 13-3401, 13-3405, 13-3418, 13-701, 13-702, and 13-801; and recklessly defacing or damaging property, to wit: a camera, causing damage in the amount of \$250 or less, in violation of A.R.S. §§ 13-1601, 13-707 and 13-802.

6. On or about September 3, 1998 Superior Court of Arizona, Maricopa County ordered Respondent to participate in the Maricopa county Attorney\TASC Drug Diversion program and have a two year suspended sentence pending the outcome of the TASC program.

7. Respondent requested that he enter into a Stipulated Consent Order for Probation for a five-year period to include rehabilitation, practice restriction and monitoring. In public session the Board voted on August 7, 1999 that Respondent's license should be placed on a probationary status for monitoring and restriction and authorized the Board's Executive Director to sign and issue a Stipulated Consent Order regarding Respondent that follows hereinafter.

8. On or about July 1, 2000, Respondent tested positive for alcohol on his urine drug screen. Respondent provided his urine drug screen in an untimely manner, five hours after the required time.

9. In public session, the Board voted on July 10, 2000 that Respondent is medically and/or psychologically unable to engage in the practice of medicine and is an immediate threat to the health and welfare of the public.

10. Respondent requested that he enter into a Stipulated Consent Order for assessment and in-patient treatment and having completed such treatment be placed under terms of Probation for a five-year period to include rehabilitation, practice restriction and monitoring. In public session, the Board voted on August 19, 2000 that Respondent was medically and/or psychologically unable

to engage in the practice of medicine and authorized the Board's Executive Director to sign and issue Stipulated Consent Order regarding Respondent suspended licensure status while completing treatment. Respondent successfully completed treatment at Springbrook Northwest on December 13, 2000 and subsequently requested that his license be reactivated under a probationary Consent Order.

11. Respondent appeared before the Board on March 31, 2001 and agreed to the submission of the Stipulated Consent Order for Probation at which time the Board considered and approved the entry of the Stipulated Consent Order for Probation.

### **CONCLUSIONS OF LAW**

1. Pursuant to Arizona Revised Statutes § 32-1800, et seq., the Arizona Board of Osteopathic Examiners in Medicine and Surgery has subject matter and personal jurisdiction in this matter.

2. The Board has the authority to enter into a stipulated order for disciplinary action against a licensee, pursuant to A.R.S. § 41-1061(D), A.R.S. § 32-1855 and A.R.S. § 32-1861(D).

3. The Respondent engaged in unprofessional conduct as defined in A.R.S. § 32-1854 by violating federal and state statutes and regulations:

- (26) Violating a formal order, probation or a stipulation issued by the Board under this chapter.
- (40) Any conduct or practice that endangers a patient's or the public's health or may reasonably be expected to do so.
- (41) Any conduct or practice that impairs the licensee's ability to safely and skillfully practice medicine or that may reasonably be expected to do so.

4. Based upon the Findings of Fact set forth above herein, the Board concludes that it

has the requisite factual basis and legal authority to order terms and conditions of Probation requiring monitoring of Respondent's license.

**ORDER**

Pursuant to the authority vested in the Board, **IT IS HEREBY ORDERED THAT:**

1. S. Foster Easley, D.O. ("Respondent"), Board license 3212 will be placed under **PROBATION** for five (5) years and he shall comply with the terms and conditions of probation as set forth herein:

2. From the date of this Order, Respondent shall obtain psychiatric or psychological treatment by a therapist(s) who is either a licensed psychiatrist and/or psychologist and is selected by Respondent and approved by the Board. Respondent shall comply with the therapist recommendation for the frequency of therapy treatment sessions. Respondent shall inform the Board by letter (mailed within ten days of the date of this Order) of the therapist's name; and, Respondent shall undertake and fully cooperate with a program of treatment established by the therapist. In the event Respondent changes therapists, he shall give the Board written notice within ten (10) days of said action. Respondent shall not discontinue or reduce the frequency of psychotherapy sessions until he has submitted a written request to the Board and obtained Board approval.

3. Respondent's therapist(s) shall receive a copy of this Order and Board Staff shall cooperate with and disclose all relevant information in the Board's files concerning Respondent. The treating therapist shall be directed by Respondent to send to the Board a detailed written progress report every month for the remainder of the probation; and Respondent, shall waive any confidentiality concerning his psychotherapy in order that the Board may receive full disclosure of information. The expense of the aforementioned therapy and the reports to the Board by

Respondent's therapist shall be the sole responsibility of the Respondent.

4. Respondent shall provide a copy of this Order and any subsequent Orders to all facilities where Respondent is currently (or subsequently) employed as a physician and/or has (or subsequently receives) privileges to engage in the practice of medicine. Respondent shall provide a copy of this Order to all treating physicians and dentists. Respondent shall continue to make the aforementioned disclosure and provide copies of this Consent Order until the expiration of this Order.

5. Respondent may have his license to practice as an osteopathic physician restricted, suspended or revoked by the Board in the future if:

- (A) The Board finds that Respondent does not have the requisite mental, physical and emotional fitness to safely continue the practice of medicine; or,
- (B) There are new grounds for finding unprofessional conduct concerning Respondent; or,
- (C) Fails to comply fully with the terms and conditions of this Order.

6. Respondent shall abstain completely from the consumption of alcoholic beverages or any substance with alcohol (i.e. cough syrups); and, Respondent shall not consume illicit drugs or take any controlled substances (i.e., prescription only drugs), unless such medication is prescribed for him by his treating physician. Respondent shall maintain a monthly log (for the duration of probation) of all prescription only drugs taken by him and such log shall include the following information:

- (a) the name of the medication;
- (b) name of prescribing physician;
- (c) reason for the medication.



At the first of each month, Respondent shall report by letter to the Board whether or not he is taking any prescription only medication and, if so, a copy of his log reflecting the above information.

7. Respondent shall also, as part of his probation: (A) submit to and cooperate in any independent medical or psychological evaluation that is ordered by the Board for Respondent and conducted by the Board's designated physician and/or psychologist which shall be paid for by Respondent; and (B) appear before the Board, upon receipt of a request by written or telephonic notification from the Board's executive director which shall be given at least five (5) days prior to the Board meeting; and, (C) submit to random biological fluid testing and promptly provide (i.e., within sixty (60) minutes of notification) required biological fluids for testing and said testing shall be done at the Respondent's expense.

8. Respondent shall participate in a minimum of three (3) self-help meetings per week through such organizations as A.A., N.A., C.A. and doctor's Caduceus group. Respondent shall keep a log of all meetings attended and have the log signed by the chairperson of the meeting. Respondent will provide the Board with a copy of the signed log the first of every month.

9. In the event Respondent moves and ceases to practice medicine in Arizona, he shall give written notice to the Board of his new residence address within twenty (20) days of moving; and, the terms and duration of probation may be stayed by the Board until Respondent returns to practice medicine in Arizona.

10. Respondent shall reimburse the Board for all expenses associated with the investigation, hearing and continued monitoring of this matter.

11. Respondent shall continue to meet all licensing requirements such as continuing

medical education and renewal requirements including applicable fees pursuant to A.R.S. § 32-1825.

12. The Board's Executive Director shall send correspondence to the appropriate state and/or federal law enforcement agency disclosing information in the Board's possession which may establish criminal misconduct by Respondent, i.e., illicit use of controlled substances.

13. Respondent's failure to comply with the requirements of this Order shall constitute unprofessional conduct as defined at A.R.S. § 32-1854(26), as amended, and may be considered as grounds for further disciplinary action (e.g., suspension or revocation of license) in the event that Respondent fails to comply with any of the requirements of this Order.

ISSUED this 31st day of March, 2001.

ARIZONA BOARD OF OSTEOPATHIC EXAMINERS  
IN MEDICINE AND SURGERY

By: Ann Marie Berger  
Ann Marie Berger, Executive Director

Copy of the foregoing mailed  
this 2nd day of April, 2001 to:

S. Foster Easley, D.O.  
7810 N. 14<sup>th</sup> Place #3010  
Phoenix AZ 85020

Charles Buri, Esq.  
6909 E. Greenway Parkway  
Suite 200  
Scottsdale AZ 85254

Blair Driggs  
Assistant Attorney General  
Office of the Attorney General  
1275 W. Washington  
Phoenix AZ 85007 (w/enclosure)

Arizona Board of Pharmacy  
5060 N. 19th Ave., Suite 101  
Phoenix AZ 85015

Drug Enforcement Administration  
Attention: Diversion Section  
3010 N. 2nd St  
Phoenix AZ 85012

Celine Shepherd, Compliance Officer